

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ACQIS, LLC,

Plaintiff,

v.

APPRO INTERNATIONAL, INC.;  
CLEARCUBE TECHNOLOGY, INC.;  
DELL INC.; FUJITSU AMERICA, INC.;  
HITACHI AMERICA, LTD.; HEWLETT-  
PACKARD CO.; INTERNATIONAL  
BUSINESS MACHINES CORP.; NEC  
CORP. OF AMERICA; NEX  
COMPUTERS, INC.; ORACLE AMERICA,  
INC.,; and SUPER MICRO COMPUTER,  
INC.,

Defendants.

CASE NO. 6:09-CV-00148-LED

JUDGE DAVIS

**JURY TRIAL DEMANDED**

**DEFENDANT ORACLE AMERICA, INC.'S TRIAL WITNESS LIST**

Defendant Oracle America, Inc. ("Oracle"), pursuant to the Court's Docket Control  
Ordered entered in this case, files this Trial Witness List for identification and categorization of  
trial witnesses.

At this time, Defendant Oracle identifies the following witnesses for trial:

	WITNESS	WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
1.	Mark Elgood		X	
2.	Peter Heffernan	X		
3.	Richard Knudsen			X
4.	Jorge Lach	X		
5.	Ken Martin			X
6.	Carl Meert	X		

7.	David Rose		X	
8.	Tim Schulte	X		
9.	Marc Shelley	X		
10.	Jeff Shen		X	
11.	Pocheng Shyu		X	
12.	Shane Sigler	X		
13.	Richard Spachholz			X
14.	Brian Sutphin	X		
15.	Jean Villamarin			X
16.	Jonathan D. Putnam	X		
17.	Robert McClure	X		
18.	Robert Colwell	X		
19.	Alan Beverly		X	
20.	Dave Bottom		X	
21.	Akram Chowdry		X	
22.	William W.Y. Chu		X	
23.	Vince Conroy		X	
24.	Rob Davidson		X	
25.	Douglas DeVivo	X		
26.	Bert Forbes		X	
27.	Lawrence Forsley		X	
28.	Roger Gaskell		X	
29.	Larry Genovesi	X		
30.	Rafael Graulau		X	
31.	Paul Groom		X	
32.	Mike Hackworth		X	

33.	Tim Harvey		X	
34.	Ken Hempen		X	
35.	Bill Holland		X	
36.	Guy Irving		X	
37.	Steven Lin		X	
38.	Tony Chak-Lam Man		X	
39.	Jim Medeiros		X	
40.	Walt Otto		X	
41.	Stephen Packer		X	
42.	Luke Pedersen		X	
43.	Alan Pocrass		X	
44.	Charles Reeder		X	
45.	Tony Romero		X	
46.	Andrew Siegel		X	
47.	Cheryl Smith	X		
48.	Marvin Smith		X	
49.	Lisa Sokol		X	

Oracle reserves the right to call at trial any of the witnesses listed on Plaintiff's or any other party's trial witness list, or in Plaintiff's or any other party's initial disclosures, as amended and/or supplemented, either in person or by way of a deposition.

Oracle reserves the right to call at trial, as a rebuttal or impeachment witness, any of the witnesses listed on this list, on Plaintiff's or any other party's trial witness list, in Plaintiff's or any other party's initial disclosures, as amended and/or supplemented, or any other witness, either in person or by way of a deposition.

In accordance with the Court's Docket Control Order, Oracle may also introduce

testimony via designated portions of depositions, including portions of depositions of Plaintiff's Fed. R. Civ. P. 30(b)(6) designee(s), portions of depositions of witnesses affiliated or associated with Plaintiffs, and portions of depositions of unavailable witnesses. Oracle shall provide its designations in accordance with the timing set forth in the Court's Docket Control Order.

Dated: November 19, 2010

Respectfully submitted,

By: /s/ John M. Guaragna

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**ATTORNEYS FOR DEFENDANT**

**ORACLE AMERICA, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 19th day of November 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ John M. Guaragna  
John M. Guaragna